

0010770 Rev. 07/03		U.S. Department of Commerce Patent and Trademark Office	
COMBINED DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION		Attorney Docket Number	16239-07751
		First Named Inventor	Harry Smith et al.
		COMPLETE IF KNOWN	
		Application Number	10/791,677
		Filing Date	March 1, 2004
		Group Art Unit	2171
<input type="checkbox"/> Declaration Submitted with Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing		Examiner Name	UNASSIGNED

As a below named inventor, I hereby declare that:
 My residence, mailing address, and citizenship are as stated below next to my name.
 I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DELIVERY OF CONTINUOUS REAL-TIME PERFORMANCE DATA OVER THE INTERNET

the specification of which (Title of the Invention)

☐ is attached hereto
OR

☒ was filed on March 1, 2004 as United States Application Number or PCT International

Application Number 10/791,677 and was amended on (MM/DD/YYYY) [] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

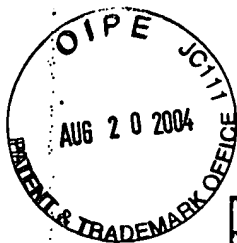
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code § 119(c) of any United States provisional application(s) listed below.		
Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental sheet attached hereto.
60/451,367	02/28/2003	

16239/07751/SF/5116022.1

BEST AVAILABLE COPY



DECLARATION		Page 2	
I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.			
U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
<input type="checkbox"/> Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.			
As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:			
Name	Registration Number	Name	Registration Number
David L. Hayes	34,838	Robert R. Sachs	42,120
Lawrence W. Granatelli	32,228	Daniel R. Brownstone	46,581
<input type="checkbox"/> Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.			
Please direct all correspondence to:			
Daniel R. Brownstone Fenwick & West LLP Silicon Valley Center 801 California Street Mountain View, CA 94041 U.S.A.			
Telephone	(415) 875-2358	Fax	(650) 938-5200
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name	Harry	Middle Initial	K
Family Name	Smith	Suffix	
Inventor's Signature	Harry K. Smith		Date
			7/19/04
Residence: City	San Leandro Hayward	State	CA
		Country	United States
Citizenship	USA		
Mailing Address	2036 E Street Hayward, CA 94541		
Mailing Address			
City	San Leandro	State	CA
Zip		Country	United States
<input checked="" type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto			

BEST AVAILABLE COPY

16239/07751/SF/5116022.1

DECLARATION										ADDITIONAL INVENTOR(S) Supplemental Sheet									
Name of Additional Joint Inventor, if any:										<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name	Jon				Middle Initial		Family Name	Peterson				Suffix							
Inventor's Signature	<i>Jon H. Peterson</i>						Date	7/19/04											
Residence: City	San Leandro Lakeside				State	CA	Country	United States				Citizenship	USA						
Mailing Address	170 Acacia Ave.																		
Mailing Address																			
City	San Leandro Lakeside				State	CA	Zip	94939		Country	United States								
Name of Additional Joint Inventor, if any:										<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name	Mark				Middle Initial		Family Name	Hughes				Suffix							
Inventor's Signature	<i>Mark J. Hughes</i>						Date	7/20/04											
Residence: City	San Leandro Oakland				State	CA	Country	United States				Citizenship	USA						
Mailing Address	6100 Harbor Dr.																		
Mailing Address																			
City	San Leandro				State	CA	Zip			Country	United States								
Name of Additional Joint Inventor, if any:										<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name	Anthony				Middle Initial		Family Name	Kostichka				Suffix							
Inventor's Signature							Date												
Residence: City	Philadelphia				State	PA	Country	United States				Citizenship							
Mailing Address																			
Mailing Address																			
City	Philadelphia				State	PA	Zip			Country	United States								
Name of Additional Joint Inventor, if any:										<input type="checkbox"/> A petition has been filed for this unsigned inventor									
Given Name	Brian				Middle Initial		Family Name	Bostwick				Suffix							
Inventor's Signature							Date												
Residence: City	Philadelphia				State	PA	Country	United States				Citizenship							
Mailing Address																			
Mailing Address																			
City	Philadelphia				State	PA	Zip			Country	United States								
<input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto																			

BEST AVAILABLE COPY

1623907751/SF/5116022.1

DECLARATION				ADDITIONAL INVENTOR(S) Supplemental Sheet			
Name of Additional Joint Inventor, if any:				[] A petition has been filed for this unsigned inventor			
Given Name	Jon	Middle Initial		Family Name	Peterson	Suffix	
Inventor's Signature				Date			
Residence: City	San Leandro	State	CA	Country	United States	Citizenship	
Mailing Address							
Mailing Address							
City	San Leandro	State	CA	Zip		Country	United States
Name of Additional Joint Inventor, if any:				[] A petition has been filed for this unsigned inventor			
Given Name	Mark	Middle Initial		Family Name	Hughes	Suffix	
Inventor's Signature				Date			
Residence: City	San Leandro	State	CA	Country	United States	Citizenship	
Mailing Address							
Mailing Address							
City	San Leandro	State	CA	Zip		Country	United States
Name of Additional Joint Inventor, if any:				[] A petition has been filed for this unsigned inventor			
Given Name	Anthony	Middle Initial		Family Name	Kostichka	Suffix	
Inventor's Signature	<i>Anthony Kostichka</i>			Date	7/28/04		
Residence: City	Philadelphia	State	PA	Country	United States	Citizenship	
Mailing Address							
Mailing Address							
City	Philadelphia	State	PA	Zip		Country	United States
Name of Additional Joint Inventor, if any:				[] A petition has been filed for this unsigned inventor			
Given Name	Brian	Middle Initial		Family Name	Bostwick	Suffix	
Inventor's Signature	<i>Brian Bostwick</i>			Date	7/28/04		
Residence: City	Philadelphia	State	PA	Country	United States	Citizenship	
Mailing Address							
Mailing Address							
City	Philadelphia	State	PA	Zip		Country	United States
[] Additional inventors are being named on supplemental sheet(s) attached hereto							

BEST AVAILABLE COPY

16239/07751/SF/5116022.1